



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,891	02/24/2004	Hiroto mi Nemoto	107348-00393	9987

4372 7590 01/20/2006
ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

EPPS, TODD MICHAEL

ART UNIT PAPER NUMBER

3632

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/784,891	NEMOTO ET AL.	
	Examiner	Art Unit	
	Todd M. Epps	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the second Office Action **final** for serial number 10/784,891, Anti-Vibration Support System For Engine, filed February 24, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,422,546 B1 to Nemoto et al. (Nemoto). Nemoto discloses an elastic member (14), a liquid chamber (24), a movable member (20), an actuator (29), wherein the vibration of the engine is prevented from being transmitted to a vehicle body frame by controlling a supply of electric current (U) to actuator (29), an active anti-vibration supporting device is prohibited when an abnormality in an operational state of the engine is detected (figs. 1-9); an elastic member (14) is formed from rubber; the movable member (20) is vertically movable and includes a shaft portion extending into an actuator (29); an actuator (29) includes an outer shell defined by an actuator housing (30); a yoke (32) is fixed to a lower portion of an actuator housing (30), and a coil (34); a disk-shaped armature (38) is slidably supported on an inner peripheral surface of an actuator housing (30) and opposite an upper surface of a coil (34); a biasing member (42) is disposed between an armature (38) and a bobbin (33) around which coil (34) is

Art Unit: 3632

wound and biases an armature upward; a cylindrical slider (43) is slidably fitted a cylindrical portion of a yoke (32) and includes a boss (44) to which a shaft portion (20a) of a movable member (20); a cylindrical bearing (36) is slidably fitted between a cylindrical portion of a yoke (32) and a cylindrical slider (43); a coiled biasing member (41) is disposed between a cylindrical bearing (36) and a cylindrical slider (43), and a coiled biasing member biases a cylindrical bearing (36) and cylindrical slider (43) in respective opposite directions.

Claims 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,422,546 B1 to Nemoto et al. (Nemoto). Nemoto discloses an elastic member (14), a liquid chamber (24), a movable member (20), an actuator (29), wherein the vibration of the engine is prevented from being transmitted to a vehicle body frame by controlling a supply of electric current (U) to actuator (29), a cylinder suspension of the engine is prohibited when an abnormality in an operational state of an active anti-vibration supporting device is detected (fig. 1-9); an elastic member (14) is formed from rubber; the movable member (20) is vertically movable and includes a shaft portion extending into an actuator (29); an actuator (29) includes an outer shell defined by an actuator housing (30); a yoke (32) is fixed to a lower portion of an actuator housing (30), and a coil (34); a disk-shaped armature (38) is slidably supported on an inner peripheral surface of an actuator housing (30) and opposite an upper surface of a coil (34); a biasing member (42) is disposed between an armature (38) and a bobbin (33) around which coil (34) is wound and biases an armature upward; a cylindrical slider (43) is slidably fitted a cylindrical portion of a yoke (32) and includes a boss (44) to which a

Art Unit: 3632

shaft portion (20a) of a movable member (20); a cylindrical bearing (36) is slidably fitted between a cylindrical portion of a yoke (32) and a cylindrical slider (43); a coiled biasing member (41) is disposed between a cylindrical bearing (36) and a cylindrical slider (43), and a coiled biasing member biases a cylindrical bearing (36) and cylindrical slider (43) in respective opposite directions.

Response to Arguments

Applicant's arguments filed January 11, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Claim 1 recites, in part: wherein operation of said active anti-vibration supporting device is prohibited when an abnormality in an operational state of the engine is detected, and Claim 11 recites, in part: wherein the cylinder suspension of the engine is prohibited when an abnormality in an operational state of said active anti-vibration supporting device is detected.

The Applicant is unable to find any disclosure within the Nemoto '546 reference to support the allegation that Nemoto '546 discloses the aforementioned features at Figures 1-9. The Examiner clearly disagrees. In general, when an abnormality in an operational state of the engine is detected, a sensor or a human can turn off the operation of an active anti-vibration supporting device manually. In this case, when the device is not running smooth, a human can do the operation by turning off the key ignition with a switch or automation program. The Applicant did not specify the operation is a sensor, which has the capability of shutting off the device and the engine.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd M. Epps
Patent Examiner
Art Unit 3632
January 10, 2006

 1/12/06
ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600